

Steve Sisolak  
Governor



Richard Whitley, MS  
Director

**DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
*Helping people. It's who we are and what we do.*



Lisa Sherych  
Administrator

Ihsan Azzam,  
Ph.D., M.D.  
Chief Medical Officer

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## NOTICE OF PUBLIC HEARING

### CATHY WISE, 3420 DUANE DRIVE, FALLON NV 89406 IS REQUESTING A VARIANCE, #740, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that CATHY WISE, 3420 DUANE, FALLON, NEVADA 89706 has requested a variance from Nevada Administrative Code (NAC) 444.790 "Lot Size".

A public hearing will be conducted on December 2, 2022, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online.

#### Meeting Locations:

- Southern Nevada Health District (SNHD)  
Red Rock Trail Rooms A and B  
280 S. Decatur Boulevard; Las Vegas, Nevada 89107
- Nevada Division of Public and Behavioral Health (DPBH)  
Hearing Room No. 303, 3rd Floor  
4150 Technology Way; Carson City, Nevada 89706

#### Join from a computer using the Microsoft Teams meeting link:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_M2UwZmYwOGQtOWFhYy00ZGI1LTk2OTEtZWlyMDE0MDc2NDc1%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22455656b7-d121-4709-ba81-3f70d51b1100%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2UwZmYwOGQtOWFhYy00ZGI1LTk2OTEtZWlyMDE0MDc2NDc1%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22455656b7-d121-4709-ba81-3f70d51b1100%22%7d)

#### Join by Phone:

1-775-321-6111 (Phone Conference ID: 153 453 179#)

[Find a local number](#)

**CATHY WISE, 3420 DUANE DRIVE, FALLON NEVADA 89406, is requesting a variance from NAC 444.790 which states:**

#### **NAC 444.790 Lot size. (NRS 439.200, 444.650)**

1. A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well.

2. For a lot that is a part of a tentative map that is approved before January 1, 2000, a minimum area of 1/4 acre (10,890 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

3. For a lot that is part of a tentative map that is approved on or after January 1, 2000, a minimum area of 1/2 acre (21,780 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

[Bd. of Health, Indiv. Sewage Disposal Systems Reg. Note, eff. 1962; A and numbered as §§ 7.1-7.3, 11-23-72]—(NAC A 10-22-93; R129-98, 3-25-99; R100-07, 10-31-2007)

**The authority of the State Board of Health to consider and grant a variance from the requirements of a regulation is set forth at NRS 439.200 and NAC 439.200 – 439.280.**

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH), 4150 TECHNOLOGY WAY, CARSON CITY, NV  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

<http://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/>

Steve Sisolak  
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Lisa Sherych  
Administrator

Ihsan Azzam,  
Ph.D., M.D.  
Chief Medical Officer

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## MEMORANDUM

**DATE:** November 18, 2022

**TO:** Jon Pennell, DVM, Chairperson  
State Board of Health

**FROM:** Lisa Sherych, Secretary  
State Board of Health

**RE:** Case #740, Ms. Cathy Wise

Nevada Administrative Code (NAC) 444.790(1) states:

"A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well."

### **STAFF REVIEW**

Variance applicant Ms. Cathy Wise ("Applicant") submitted a request for variance from the requirements of NAC 444.790(1) on October 24, 2022. The Applicant is requesting approval to install an Individual Sewage Disposal System on an unimproved lot. The lot in question is a total area of 0.51 acres. NAC 444.790(1) requires a minimum of 1 acre for an ISDS on a lot served by a domestic well.

The majority of the lots surrounding Ms. Wises' property are between 0.5 acres to 1 acre. Four parcels within the immediate area do not contain any septic systems. There is a 10.32-acre parcel to the west and a 30.13-acre parcel to the northeast do not have any septic systems. Which create a significant area of low density.

A variance was granted to this parcel on March 4, 2004, Case #491 with the same circumstances.

### **DEGREE OF RISK TO PUBLIC HEALTH**

There is little to no risk to the public health in allowing the Applicant to replace her septic tank. The system would be installed in an area where there is a low density of existing septic systems.

### **EXCEPTIONAL AND UNDUE HARDSHIP**

Strict application of NAC 444.790(1) would require the Applicant to abandon their property. Compliance with the regulation in this case is unduly burdensome given that many similar lots have been improved with a well and septic, therefore the burden of enforcement for this individual versus the others would be unfair and inequitable.

## **PUBLIC COMMENT RECEIVED**

Notice of the hearing is scheduled to be posted on the Division of Public & Behavioral Health website at <http://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/> and at the 4150 Technology Way Office in Carson City, NV 89706 by November 22<sup>nd</sup>, 2022 by 9:00am. The Division of Public & Behavioral Health is not aware of any objections to this variance by any local authorities, and no public comments have been received to date.

## **STAFF RECOMMENDATION**

DPBH staff recommend the State Board of Health approve Case #740, Cathy Wise, request for a variance to NAC 444.790(1) without conditions.

## **PRESENTER**

Teresa Hayes, Health Program Manager 3, Environmental Health Section

## **ATTACHMENTS**

1. Proposed Plot Map

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

- |   |  |
|---|--|
| <input type="checkbox"/> Division Administration<br>(NAC 439, 441A, 452, 453A, & 629)                         | <input type="checkbox"/> Health Care Quality & Compliance<br>(NAC 449, 457, 459 & 652)                                       |
| <input type="checkbox"/> Child, Family & Community Wellness<br>(NAC 392, 394, 432A, 439, 441A, & 442)         | <input type="checkbox"/> Health Statistics, Planning,<br>Epidemiology and Response<br>(NAC 440,450B, 452, 453, 453A, & 695C) |
| <input checked="" type="checkbox"/> Public Health & Clinical Services<br>(NAC 211, 444, 446, 447, 583, & 585) |  |

Date: 6/7/2022

Name of Applicant: Cathy Wise

Phone: 775 830 6755

Mailing Address: 3420 Duane Dr

City: Fallon

State: NV

Zip: 89406

We do hereby apply for a variance to  
chapter/section

Administrative Code (NAC). (For example: NAC 447.204)

of the Nevada

444.790 (1) Lot size

Title of section in  
question:

Lot size

Statement of existing or proposed conditions in violation of the NAC:

Parcel is less than one acre

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Date of initial operation (if existing): \_\_\_\_\_

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant;
    - (2) Do not generally affect other persons subject to the regulation;
    - (3) Make compliance with the regulation unduly burdensome; and
    - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
  - (b) Granting the variance:
    - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
    - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.**

Statement of degree of risk of health trying to build a house on lot,  
can not build with no water.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please state in detail the circumstances or conditions which demonstrate that:

1. An exceptional and undue hardship results from a strict application of the Regulation:

Bought The property with the intent to build a house. I was told the well could be near neighbors existing well and septic tanks had to be 100' from well. The property measures 98' x 205'

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

The well will be a minimum of 100' from the proposed septic. (see plot plan) The septic on the property to the west is over 300'. Property to the east is similar

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

The bureau may require the following supporting documents to be submitted with and as a part of this application:

1. Legal description of property concerned

Parcel 010-104-07  
Lot 42 Marvel Vista Subdivision

1200 sqft house 2 bath 010-104-07

2. General area identification map

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

- \_ 3. Plat map showing locations of all pertinent items and appurtenances
- \_ 4. Well log (if applicable)
- \_ 5. Applicable lab reports
- \_ 6. Applicable engineering or construction/remodeling information
- \_ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Division of Public and Behavioral Health staff report and recommendation(s) to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing during:



The next regularly scheduled Board of Health meeting, regardless of location.



The next scheduled meeting in Carson City.



The next scheduled meeting in Las Vegas.

Signature: \_\_\_\_\_

*Cathy Wise*

Printed Name: \_\_\_\_\_

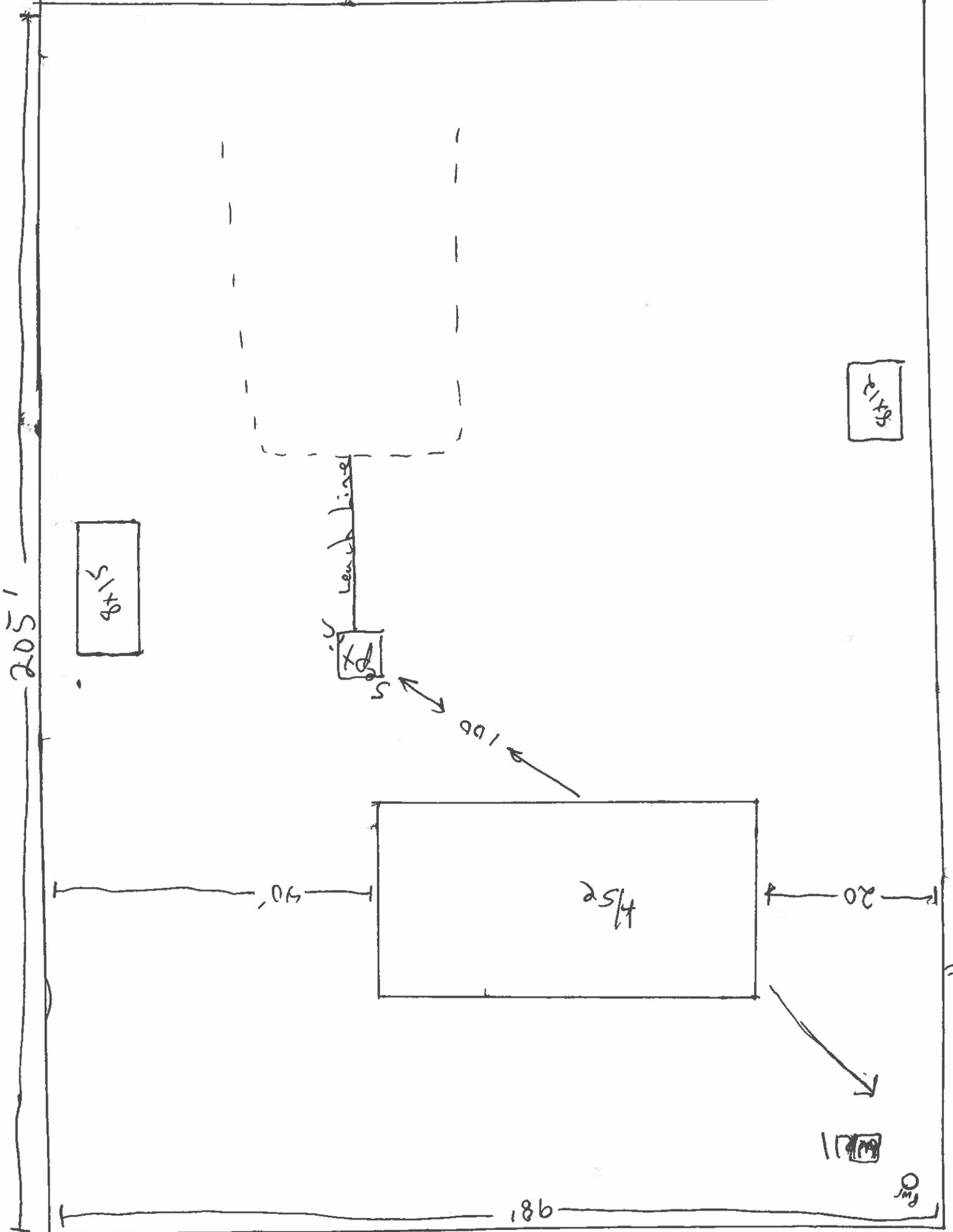
*Cathy Wise*

Title: \_\_\_\_\_

*Owner*

Date: \_\_\_\_\_

*6/7/2022*



205'

8x15

Lead Line

8x5

100'

H/Se

8x15

8x11

O

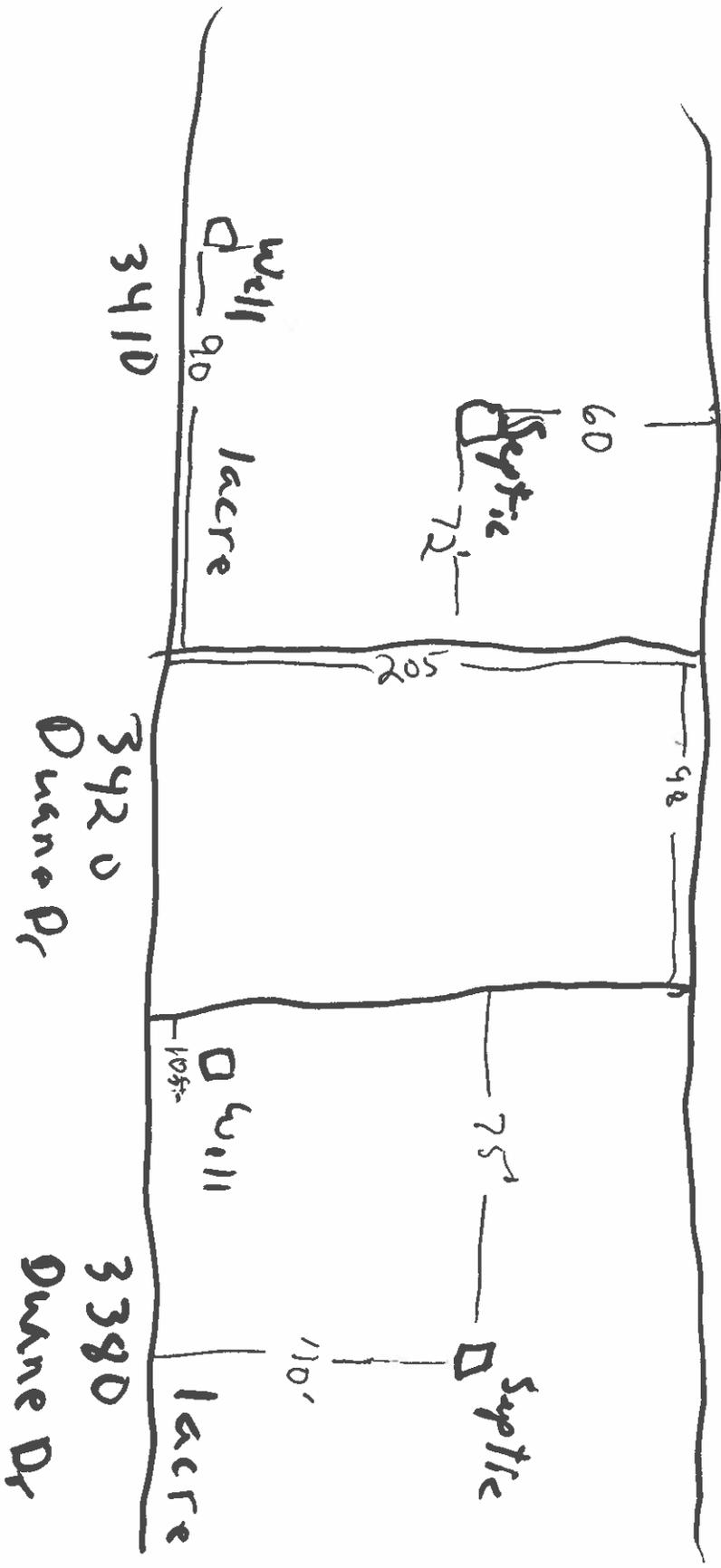
Wise

Dwaine Dr

3420

Neighbors Well

98'



KENNY C. GUINN  
Governor

STATE OF NEVADA

3420 DUANE DR

ALEX HAARTZ, MPH  
Administrator

MICHAEL J. WILLDEN  
Director



BRADFORD LEE, M.D.  
State Health Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
HEALTH DIVISION

505 E. King Street, Room 201

Carson City, Nevada 89701-4774

Telephone: (775) 684-4200 • Fax: (775) 684-4211

July 12, 2006

Ms. Karyn Werner  
359 Wagon Wheel Way  
Dayton NV 89403

Dear Ms. Werner,

Enclosed please find a copy of the Findings of Fact document and letter related to the property of Walter and Alice Werner, variance Case #491 that was approved at the State Board of Health Meeting in February 2004, as you had requested.

I appreciate your patience while retrieval of this information was in process.

Sincerely,

Janet Osalvo  
Executive Assistant

cc Carmela Hansen, Accounting Assistant II, De  
enclosure

Phone Messages

Caller	
Date Called	Time Called
Message	
3420 DUANE DRIVE	
010-104-07	
WERNER, MICHAEL & KARYN	

Caller	
Date Called	Time Called
Message	

KENNY C. GUINN  
Governor

STATE OF NEVADA

YVONNE SYLVA  
Administrator

MICHAEL J. WILLDEN  
Director



BRADFORD LEE, M.D.  
State Health Officer

DEPARTMENT OF HUMAN RESOURCES  
HEALTH DIVISION

505 E. King Street, Room 201

Carson City, Nevada 89701-4797

Telephone: (775) 684-4200 • Fax: (775) 684-4211

March 4, 2004

Walter and Alice Werner  
22311 Wayside  
Mission Viejo, CA 92692

CERTIFIED MAIL# 7002 2030 0005 8443 9618

Dear Mr. and Mrs. Werner:

Enclosed please find the Findings of Fact document for Case #491, which approves the requested variance from NAC 444.790(1) provided an application to construct an I.S.D.S. is submitted to the Health Division for review and approval.

Please feel free to contact this office, if you should have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Debi Galloway".

Debi Galloway  
Executive Assistant  
Nevada State Health Division

Enclosure

BEFORE THE STATE BOARD OF HEALTH

IN THE MATTER OF )  
WALTER AND ALICE WERNER )  
VARIANCE REQUEST: CASE #491 )

The Nevada State Board of Health ("Board"), having considered the application for a variance and all other related documents submitted in support of the application in the above-referenced matter, makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

1. On December 5, 2003, the Health Division received a request for variance to Nevada Administrative Code (NAC) 444.790 (1), "Lot Size.
2. NAC 444.790 (1) states "A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights of way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well."
3. Regarding NAC 444.790 (1), Walter and Alice Werner wish to be allowed to install an individual sewage disposal system (I.S.D.S.) on a lot served by a well that is approximately ½ acre in size (22,398 square feet), located at 3420 Duane Drive, Fallon, Nevada.
4. The circumstances of this request are unique to the applicant.
5. The lot is currently unimproved.
6. The installation of an I.S.D.S. on this lot will not have an affect on others in this particular case as the I.S.D.S. concentration in the surrounding area is below one per acre.

7. Compliance with the regulation in this case is unduly burdensome given that many similar lots have been improved with a well and I.S.D.S., therefore the burden of enforcement for this individual versus the others would be unfair and inequitable.
8. Granting the variance in this particular case would not be detrimental to or pose a risk to public health.

### CONCLUSIONS OF LAW

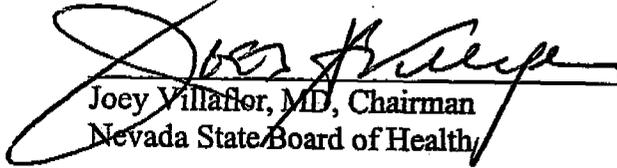
1. This matter is properly before the Board pursuant to NRS 439.200 and determination of the matter on the merits is properly within the subject matter jurisdiction of the board.
2. NRS 439.200 provides:  
  
The State Board of Health may grant a variance from the requirements of a regulation if it finds that:
  - (a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and
  - (b) The variance, if granted would not:
    - (1) Cause substantial detriment to the public welfare; or
    - (2) Impair substantially the purpose of the regulation.
3. The Board finds that strict application of NAC 444.790 (1) would result in an undue hardship because the lot could not be improved.
4. The Board finds that granting this variance would not cause substantial detriment to the public welfare, or impair the purpose of the regulation.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and good cause appearing, therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the variance to NAC 444.790 (1), be GRANTED for Walter and Alice Werner provided that they submit an application to construct an I.S.D.S. to the Health Division for review and approval.

DATED this 2<sup>th</sup> day of February, 2004.

  
Joey Villafior, MD, Chairman  
Nevada State Board of Health

REQUEST FOR SEWAGE SYSTEM PERMIT

PLEASE PRINT PLAINLY!!!

NAME FRED M. SPINNEY Phone Number 432-2018

ADDRESS 3395 DUANE DRIVE FALLON

CONSTRUCTION LOCATION DUANE DRIVE (3380)

CONTRACTOR HESKETT

CONTRACTOR'S ADDRESS FALLON

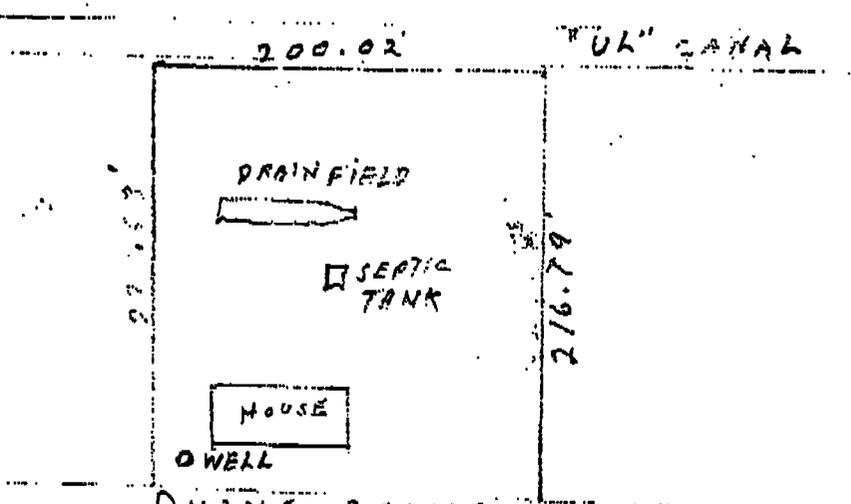
SUBDIVISION MARVEL VISTA LOT 43+44 BLOCK \_\_\_\_\_

PROPOSED DATE OF CONSTRUCTION 1977 LOT SIZE 43,600 sq. ft.

TYPE OF BUILDING FRAME NO. OF BEDROOMS 3

ESTIMATED WATER TABLE 12 feet SOIL TYPE SANDY

- Note:
1. One acre net area is required for one house with one well and one septic system.
  2. Provide at least one hundred fifty (150) feet from the leach field to the well, canal, or drain ditch.
  3. High seasonal water table must be at least six feet deep.
  4. A plot plan must be submitted (show plot plan in space below or attach).
  5. Further information about additional requirements can be obtained from the Health Department office.



DATE DUANE DRIVE

Signature of Applicant Fred M. Spinney

FOR OFFICE USE ONLY

Approved  Disapproved

Water table verified 12 Reason \_\_\_\_\_

Date 4/12/77 By ESJ

Approved \_\_\_\_\_ Denied \_\_\_\_\_

(N)  
DUANE DRIVE

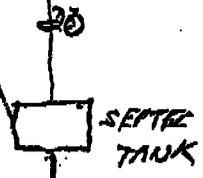
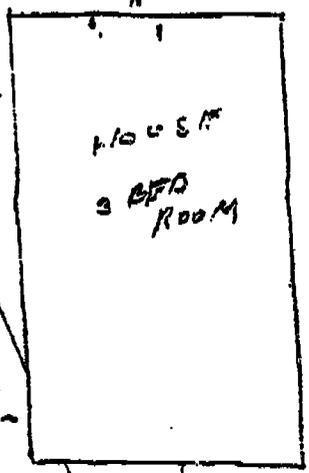
3415

100'

NO. 1 WELL

135 ft

150'



150 ft

150 ft

220

4.5 FT LINE

PROPERTY LINE

100'

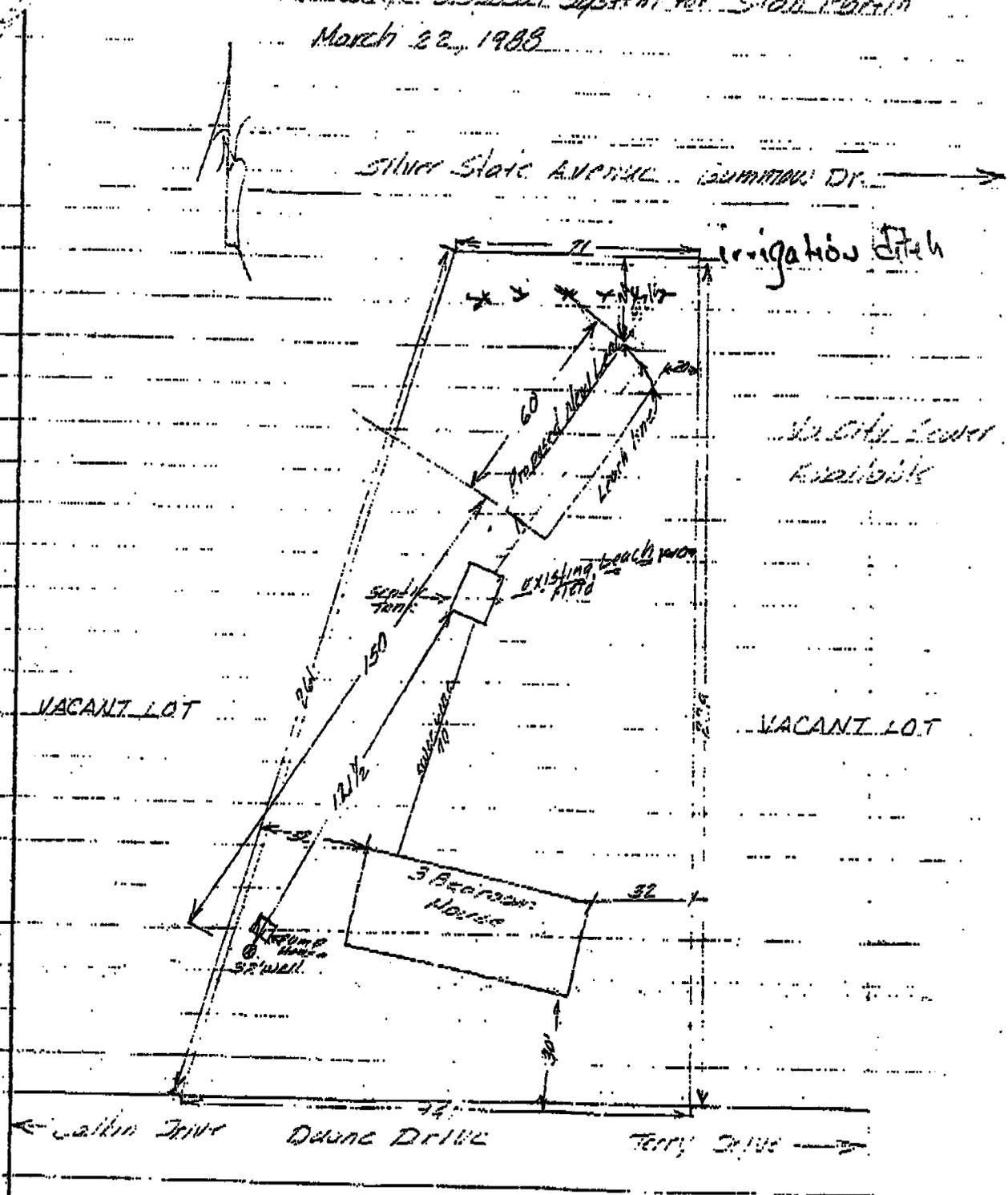
(E)  
VACANT LOT

VACANT LOT

(S)

3444

# 3444 DUNNE DR Sewage Disposal System for Slab Addition March 22, 1988





3420 DUANE DR.

**STATE BOARD OF HEALTH  
DRAFT MINUTES**

February 27, 2004  
9:00 a.m.

**Video Conference:**

**Grant Sawyer Building**  
555 E. Washington Ave., Room 4412  
Las Vegas, Nevada

**Legislative Building**  
401 S. Carson Street, Room 2135  
Carson City, Nevada

**BOARD MEMBERS PRESENT:**

Frances Sporer  
Jerry Reeves, MD  
Joey Villafior, MD, Chairman  
Roger Works, DVM  
William Quinn, IV, Vice Chairman

**BOARD MEMBERS EXCUSED:**

Dee Hicks, RN  
Jade Miller, DDS

**HEALTH DIVISION STAFF PRESENT:**

Alex Haartz, Deputy Administrator, Nevada State Health Division  
Amy Rouklo, Chief, Bureau of Health Protection Services  
Andrea Seifert, Staff II, Associate Engineer, Bureau of Health Protection Services  
Bradford Lee, M.D., State Health Officer, Nevada State Health Division  
Cindy Pyzel, Chief Deputy Attorney General  
Debi Galloway, Executive Assistant, Nevada State Health Division  
Jennifer Dunaway, Health Facilities Surveyor IV, Bureau of Licensure and Certification  
Jim Balderson, Staff Supervisor, Bureau of Health Protection Services  
Joe Pollock, Staff III Public Health Engineer, Bureau of Health Protection Services  
Linda Anderson, Deputy Attorney General  
Lisa Jones, Health Facilities Surveyor IV, Bureau of Licensure and Certification  
Maria Ganfield, Chief, Bureau of Alcohol and Drug Abuse  
Pamela Graham, Chief, Bureau of Licensure and Certification  
Paul Shubert, Health Facilities Surveyor III, Bureau of Licensure and Certification  
Randal Munn, Regional Chief Deputy Attorney General  
Richard Eloyan, Environmental Health Specialist III, Bureau of Health Protection Services  
Richard Whitley, Chief, Bureau of Community Health  
Rick Reighley, Staff III RPE, Bureau of Health Protection Services  
Shirley Rains, Administrative Assistant IV, Bureau of Licensure and Certification  
Tina Perry, Health Resource Analyst II, Bureau of Health Planning and Statistics  
Yvonne Sylva, Secretary, State Board of Health, Administrator, Nevada State Health Division

**ADDITIONAL TESTIMONY PRESENTED BY:**

Allen Harrell, Nye CIRG  
Andrew Borasky, A., Borasky Excavating  
Bob Sack, Washoe County District Health Department  
Charlene Pasqualetto, Pahrump Valley Const. Assoc.  
Dan Koelker  
Dana Prevost, Wellington Oat & Sweatwater Coffee  
Darrell Crooks, Nye CIRG  
Donald Kwalick, MD, MPH, Clark County Health District  
Greg Doyle, Nye CIRG  
Henry Nath, Nye County Board of Commissioners  
Jeff Ferguson, Esq.  
John Roberts, Nye CIRG Lawrence D. Baker  
Mary Paakvan

Meiba McGee, Hopa House  
Melissa Smith, Friendly Fernley Espresso  
Norma Crooks, Nye CIRG  
Pamela Anderson, Niagara Bottling, LLC  
Paul W. Harvey Nevada Radiological Compliance  
Ricky McGee, Hopa House  
Ron Murphy, Ron Murphy Construction, Inc.  
Ron Williams, Nye County Planning Department  
Scott Estes, Truckee Meadows Water Authority  
Stacy Slinson, R&S Wastewater Solutions  
Tim Hafan  
Van Heffner, NV Restaurant & Hotel & Lodging Assoc.

Ms. Graham then reported of 52 facilities previously granted variances, 43 facilities have obtained insurance. The variances for two facilities have been revoked by the Board of Health, consequently closing those facilities, and one of the variances expired causing the facility to close. Three other variances have expired and are pending license revocation by the Bureau of Licensure and Certification.

Ms. Graham believed the market for liability insurance is becoming more available and that costs are slowly decreasing. Ms. Graham also believed the number of closed facilities due to a lack of obtaining liability insurance was no more than what would reasonably be expected to close in any given year for any other reason.

There being no other comments:

**MOTION:** Mr. Quinn moved to approve Agenda Item 2.A. requests for a variance to NAC 449.193(2)(c), NAC 449.204(1)(c), and NAC 449.204(3) for case numbers 483, 484, 486, 489, 490, 494, 495, 496, and 501.

**SECOND:** Dr. Works

**PASSED:** UNANIMOUSLY

**2.B. Case #491, Walter and Alice Werner: Request for a variance to NAC 444.790(1), "Lot Size." Request to allow the installation of an individual Sewage Disposal System on a ½ acre lot that is served by a well.**

Mr. Quinn indicated the agenda item was for a septic system and a well on the same ½ acre lot and asked if there was a site plan to show the separation between the two systems. Ms. Roukie, Chief, Bureau of Health Protection Services referred to Joe Pollock, Staff III Public Health Engineer, Bureau of Health Protection Services. At this time, the Bureau does not have an application; however, Mr. Pollock has visited the site and believes there is sufficient room to place a septic system on the site with the well in its current position. He believes they will be able to meet all set back requirements. In addition, the soils are fairly sandy with a percolation rate of approximately 10-20 minutes per inch.

There being no other comments:

**MOTION:** Mr. Quinn moved to approve Agenda Item 2.B. Case #491, Walter and Alice Werner: request for a variance to NAC 444.790(1), "Lot Size."

**SECOND:** Ms. Spener

**PASSED:** UNANIMOUSLY

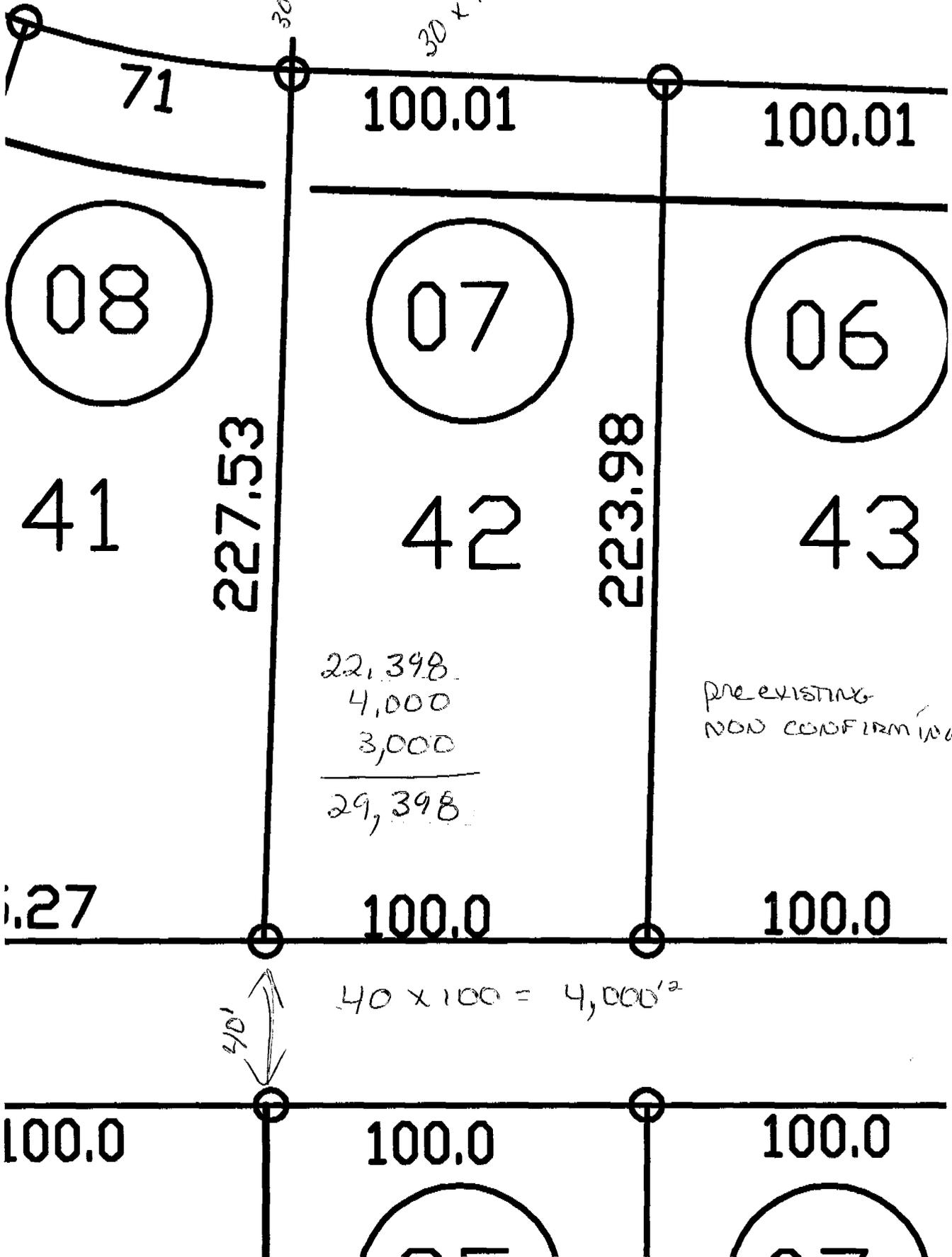
**2.D. Case #499, Dana E. Prevost, Wellington Deli and Sweetwater Café: Request for a variance to NAC 446.445(1), "Toilets." "If a food establishment is the only occupant of a building, the establishment must have toilets which are conveniently located within the building. Except as otherwise provided in subsection 8, if a food establishment occupies part of a building, the establishment must have toilets which are conveniently located within the part which it occupies. The toilets must be accessible to the employees of the establishment at all times." NAC 446.445(2), "A food establishment that provides public seating or where the consumption of food is authorized must have separate rooms with toilets for males and females. As used in this subsection, 'public seating' includes seats, benches, stools and similar furniture provided by the owner or operator of a building, mall or similar operation for use by the food establishment and located within 25 feet of the establishment." NAC 446.445(7), "Exhaust fans and restroom facilities for the handicapped must be installed in all new facilities and in existing facilities if the food establishment is extensively remodeled."**

Dr. Villafior indicated he was informed this agenda item should read, "Wellington Deli and Sweetwater Coffee" instead of "Wellington Deli and Sweetwater Café."

Dr. Works explained that in the past the issue of toilets has been one that the Board of Health has been fairly consistent with by requiring two facilities and wanted to know what made this facility unique. Ms. Roukie indicated this case is unique in its geographic location and it is the expectation of both the bureau and the applicant that the volume of customers including employees that may use the restroom would be approximately 20 per day in an 8-

3420 DUANE Dr  
10-104-07

$30 \times 100 = 3,000 \text{ sq ft}$



71

100.01

100.01

08

07

06

41

227.53

42

223.98

43

22,398  
4,000  
3,000  
-----  
29,398

PRE-EXISTING  
NON-CONFIRMING

100.0

100.0

100.0

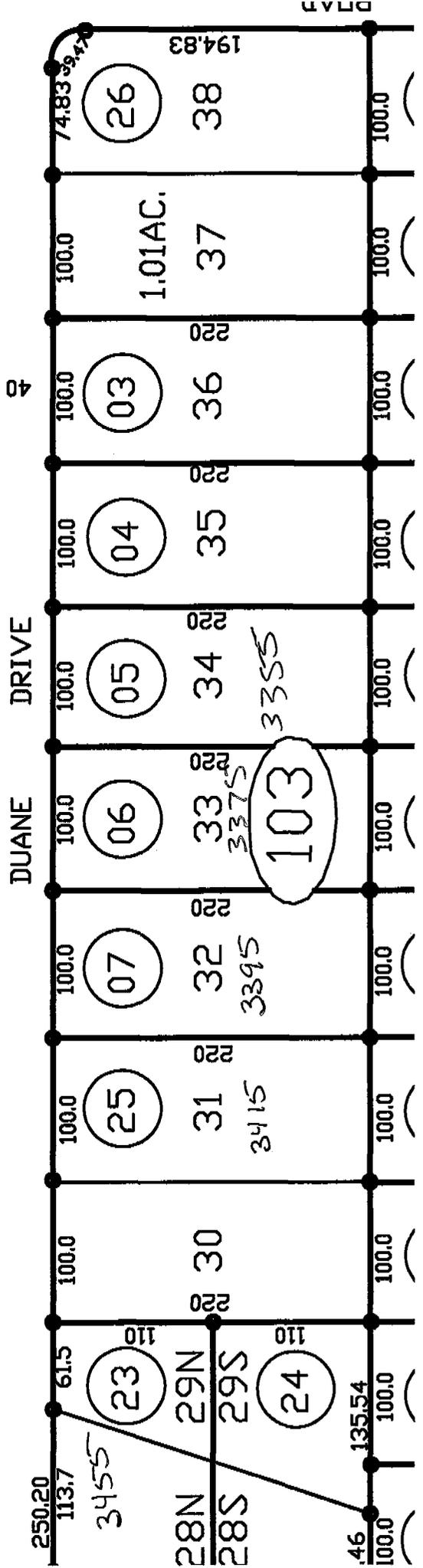
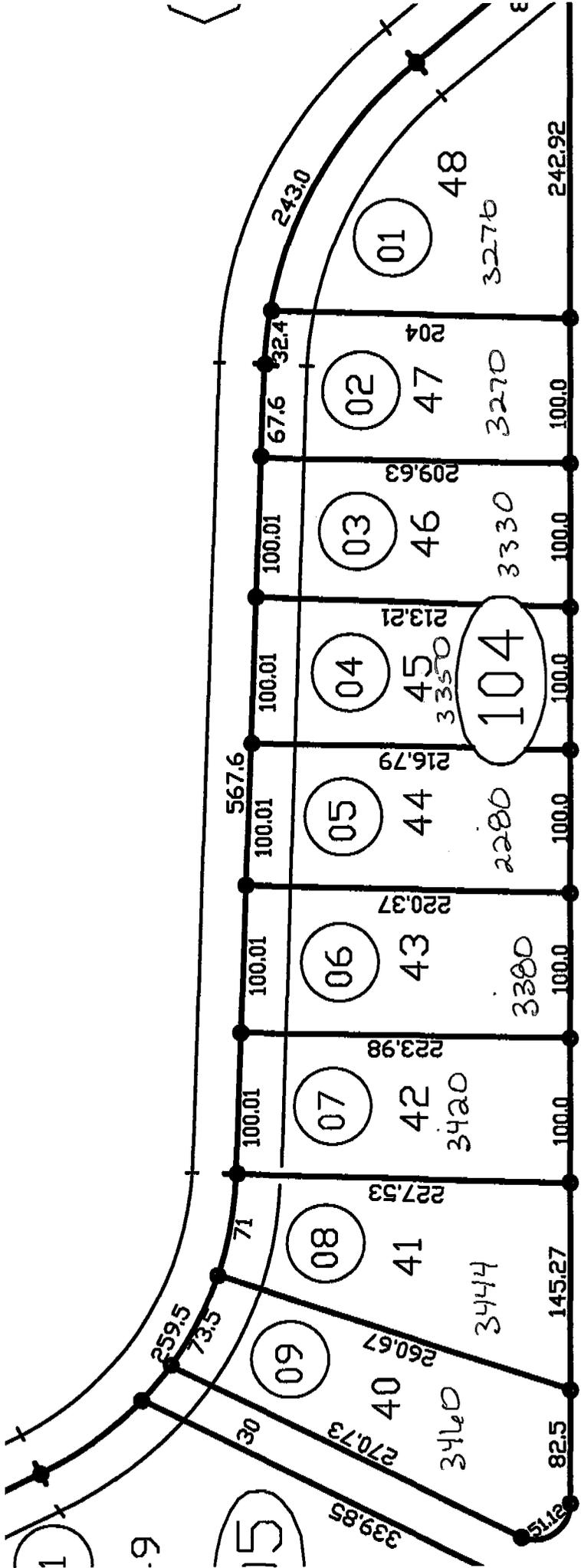
40'

$40 \times 100 = 4,000 \text{ sq ft}$

100.0

100.0

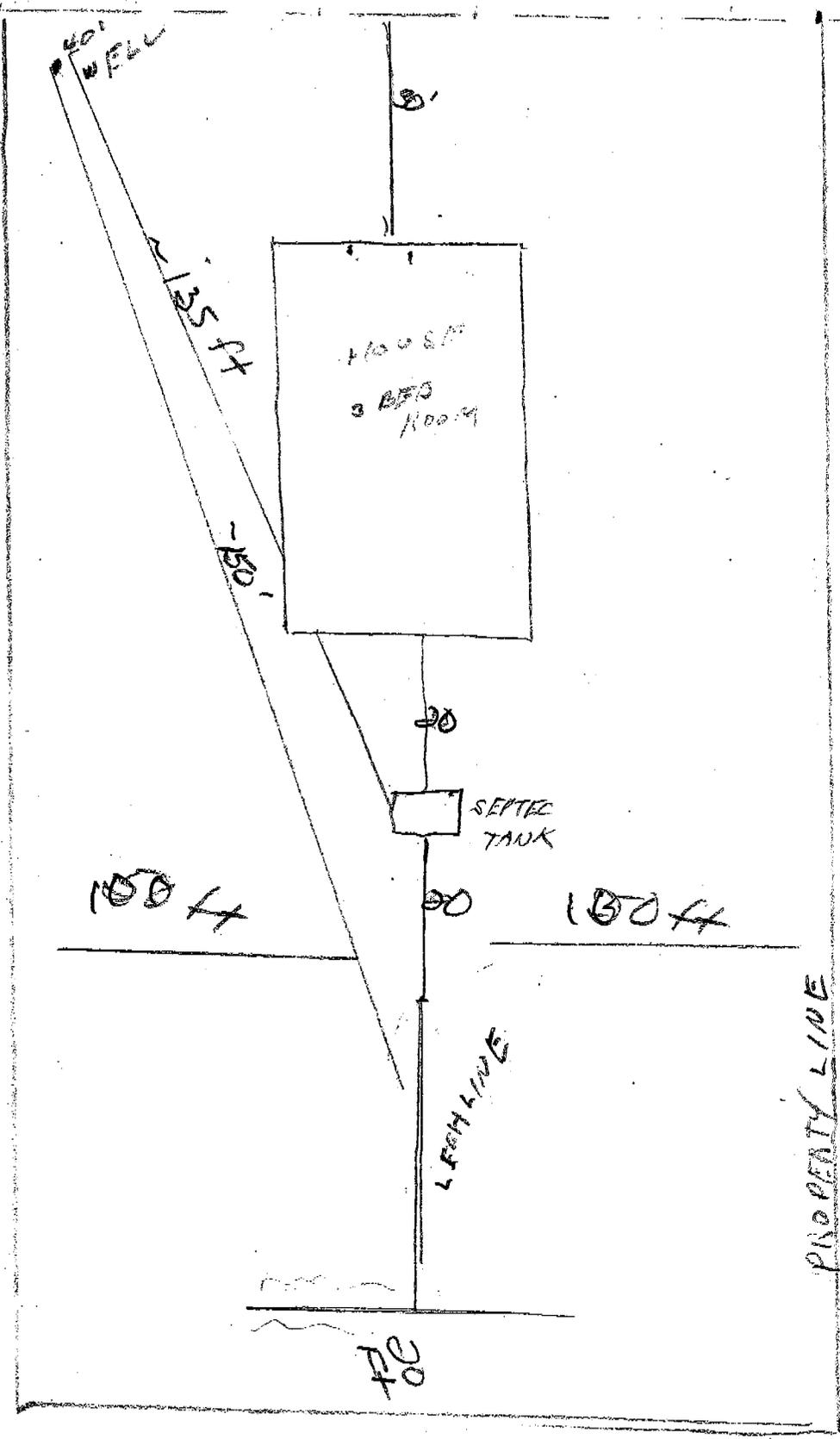
100.0





(N) 3415  
DUANE DRIVE

100'



VACANT LOT

150 ft

100 ft

220

PROPERTY LINE

FRESH LINE

VACANT LOT

(S)

(E)

**OTHERS PRESENT:**

Barbara Slick, Saint Mary's Health Plans  
Buster Scholl, Charles Abbott & Associates  
Chuck Prevost, Wellington Deli  
Dan Simmons  
Deb Fuller, NevadaCare  
Gary Yud, Washoe Medical Center  
Janice C. Pine, Saint Mary's Regional Medical Center  
John Spalding  
Julia Reagan, Washoe Medical Center  
Karen Spalding

Karyn Werner  
Linda Dibble, Saint Mary's Health Plans  
Mark Waite, Pahrump Valley Times  
Mary Harvey, Nevada Radiological Compliance  
Mary Hotham, Anthem Blue Cross/Blue Shield  
Melissa Smith, Friendly Fernley Espresso  
Pat Martino, Washoe Medical Center  
Peter Kruger  
Rick R. Reich, State AIDS Task Force  
Scott Anderson, Washoe Medical Center

Joey Villafior, MD, Chairman, opened the meeting at 9:11 a.m. Dr. Villafior indicated the agenda was properly posted at the locations listed on the agenda.

**1. Roll Call and approval of the minutes from the December 12, 2003, Board of Health meeting.**

Debi Galloway, Executive Assistant, Nevada State Health Division, indicated Ms. Hicks and Dr. Miller were excused. A quorum was established.

**MOTION:** Ms. Sponer moved to approve the minutes from the December 12, 2003, meeting.  
**SECOND:** Dr. Works  
**PASSED:** UNANIMOUSLY

**2. CONSENT AGENDA**

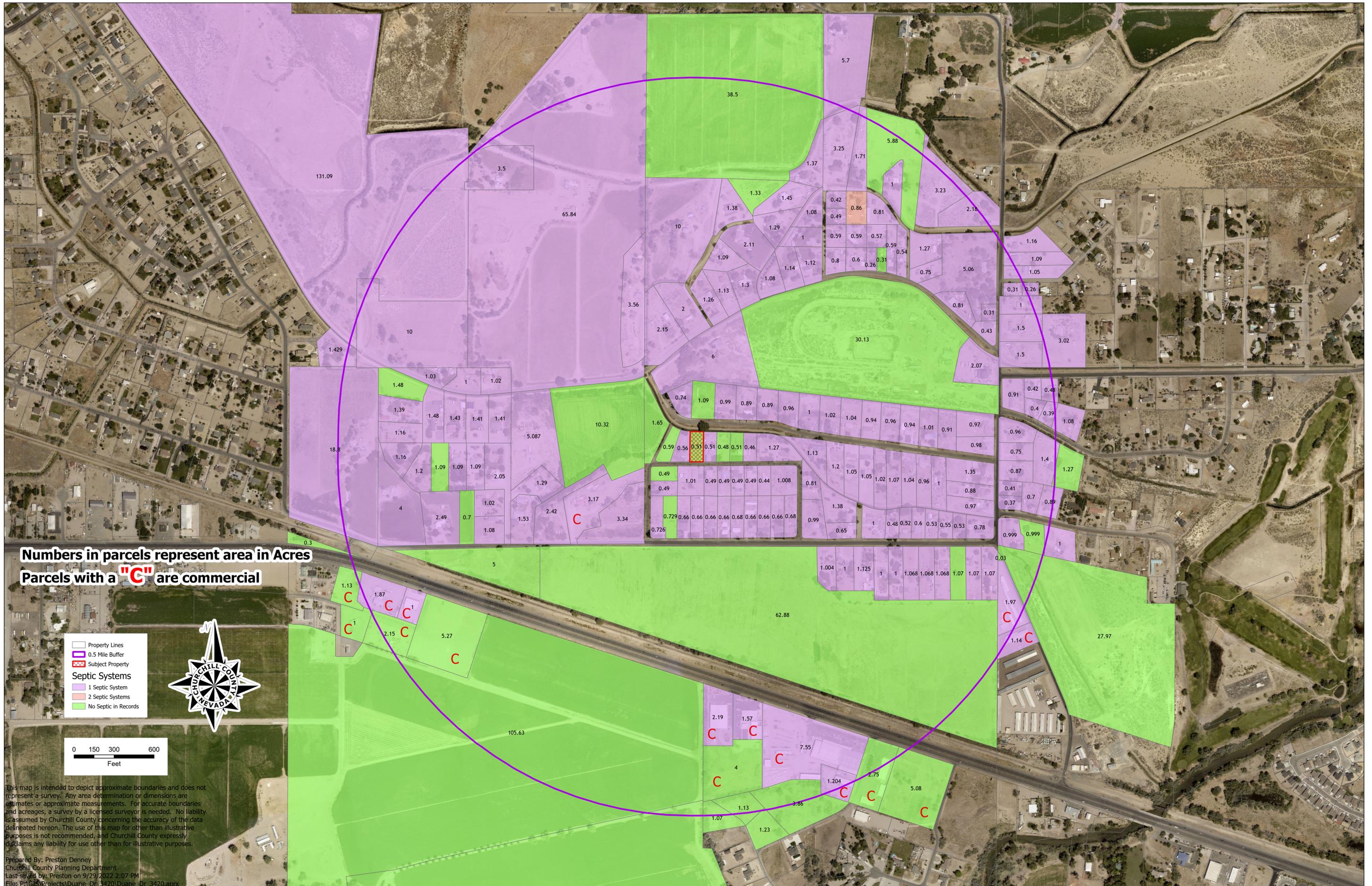
Mr. Quinn requested items 2.A., 2.B., and 2.E. be removed for discussion. Dr. Works requested item 2.D be removed for discussion. Dr. Reeves requested item 2.G. be removed for discussion. There being no other objections to the Consent Agenda:

**MOTION:** Ms. Sponer moved to approve Consent Agenda items 2.C. and 2.F.  
**SECOND:** Dr. Reeves  
**PASSED:** UNANIMOUSLY

<p><b>2.A.</b> Case #483, Owens Board and Care Case #484, Able Home Care of Nevada Case #488, Alta Care Home Case #489, East Morning Star Care Home Case #490, Morning Star Care Home</p>	<p>Case #494, Corinthians Group Home Case #495, Loving Care Alzheimer's Facility I Case #496, Loving Care Alzheimer's Facility II Case #501, Heavenly Manor</p>
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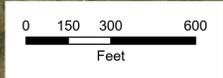
Requests for a variance to NAC 449.193(2)(c), "Renewal of license: Form; fee; required information." "The applicant for renewal must submit with the application required pursuant to subsection 1: A certificate of insurance stating that the facility has purchased a policy of liability insurance for the facility." NAC 449.204(1)(c), "Financing: insurance." "A residential facility must: Maintain a contract of insurance for protection against liability to third persons in amounts appropriate for the protection of residents, employees, volunteers and visitors to the facility." NAC 449.204(3), "A certificate of insurance must be furnished to the division as evidence that the contract pursuant to paragraph (c) of subsection 1 is in force and a license must not be issued until that certificate is furnished. Each contract of insurance must contain an endorsement providing for a notice of 30 days to the bureau before the effective date of a cancellation or nonrenewal of the policy."

Mr. Quinn asked if these facilities were the next group that has been unable to obtain insurance, therefore, starting their six month probationary period until such time as the facilities could obtain insurance while meeting the reporting requirements of the bureau. Ms. Graham, Chief, Bureau of Licensure and Certification indicated that was correct.



**Numbers in parcels represent area in Acres**  
**Parcels with a "C" are commercial**

- Property Lines
- 0.5 Mile Buffer
- Subject Property
- Septic Systems**
- 1 Septic System
- 2 Septic Systems
- No Septic in Records



This map is intended to depict approximate boundaries and does not represent a survey. Any area determination or dimensions are estimates or approximate measurements. For accurate boundaries and acreages, a survey by a licensed surveyor is needed. No liability is assumed by Churchill County concerning the accuracy of the data delineated herein. The use of this map for other than illustrative purposes is not recommended, and Churchill County expressly disclaims any liability for use other than for illustrative purposes.

Prepared By: Preston Denney  
 Churchill County Planning Department  
 Last saved by: Preston on 9/29/2022 2:07 PM  
 File: P:\GIS\Projects\Duane Dr 3420\Duane Dr 3420.aprx